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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,290	02/20/2004	Meng Ding	HIT1P065/HSJ920030275US1 7604 EXAMINER	
50535	7590 07/06/2006			
ZILKA-KOTAB, PC			KLIMOWICZ, WILLIAM JOSEPH	
P.O. BOX 721120 SAN JOSE, CA 95172-1120			ART UNIT	PAPER NUMBER
J. 2			2627	
			DATE MAILED: 07/06/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.  EXAMINER	
			ART UNIT	PAPER	
				20060629	
			DATE MAILEI	<b>)</b> :	

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**Commissioner for Patents** 

William J. Klimowicz Primary Examiner Art Unit: 2627 Art Unit: 2627

#### Election/Restrictions

The reply filed on June 26, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The Applicant, while indicating an election of Group II (claims 12-20), has failed to elect a particular Species of invention (Species I-II) as set forth in the restriction requirement, mailed May 25, 2006. More concretely, in the restriction requirement, it was stated:

### Species Election

This application contains claims directed to the following patentably distinct species of the claimed invention:

Specie I:

Figure(s) 6-7

Specie II:

Figure(s) 8

The species are independent or distinct since *each* of the Species and/or subspecies has been described, articulated and depicted in the applicant's specification and drawings as per the Groupings, *supra*, as being mutually exclusive to the other enumerated Species and/or subspecies.

Should applicant traverse on the ground that the species are not patentably independent or distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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In addition to the election of Group I or II, *supra*, the Applicant is further required under 35 U.S.C. 121 to elect a single disclosed Species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicant should further identify any claims considered to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Thursday (6:30AM-5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William | Klimowicz Primary Examiner

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WJK